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The concept of “nation”

Reply to Recommendation¹: Recommendation 1735 (2006)
Committee of Ministers

1. The Committee of Ministers recalls that in January 2007, at the 984th meeting of the Ministers' Deputies, it adopted the following interim reply to Parliamentary Assembly [Recommendation 1735 \(2006\)](#) on the concept of “nation”:

“The Committee of Ministers has made a detailed examination of the recommendation, having discussed on several occasions a preliminary draft reply. In the course of this examination of the question, certain conclusions became evident: first that the perceptions of the concept of ‘nation’ vary considerably from state to state, and secondly that, irrespective of these numerous perceptions, the concept of ‘nation’ is of equal sensitivity to each state.

Under these circumstances, the Committee, fully realising the difficulty of adopting a single unequivocal position on the issues raised in the recommendation but wishing nonetheless to provide the Assembly with a duly considered reply, has decided to seek an additional legal view on the matter and will resume its consideration of the question once that advice has been received.”

2. In line with this position, the Deputies gave ad hoc terms of reference to the Steering Committee for Human Rights (CDDH) to provide an opinion on the recommendation.

3. At its 65th meeting (6-9 November 2007), the CDDH adopted its opinion in response to these terms of reference. The Committee of Ministers subscribes to the views put forward in this opinion, which is appended to, and forms an integral part of, the present reply. This being said, the Committee of Ministers wishes to highlight four points in particular:

- i. Concerning the concept of “nation”, it agrees with the CDDH that a common definition of this concept is not necessary for the effective implementation of Council of Europe standards pertaining to national minorities, in particular the Framework Convention for the Protection of National Minorities.
- ii. The Committee of Ministers fully endorses the affirmation that the “promotion of ethnic purity” has no place in a democratic society, where diversity is an important and widespread feature. It firmly condemns all demonstrations of, and incitement to, hatred and tensions between different populations. It recalls in particular the work conducted within the CDDH on human rights in a multicultural society (see paragraph 7 of the attached comments).
- iii. Concerning the Assembly's recommendation that the Committee of Ministers draw up guidelines on procedures for developing relations between a state and kin minorities residing in a different state, including in neighbouring states, it refers to the comments made by the CDDH. In order to be able to decide on the advisability of elaborating guidelines in this area, it has asked the CDDH for an opinion analysing the potential added value of such guidelines (see paragraph 9 of the attached comments).

1. Adopted by the Committee of Ministers on 20 February 2008, at the 1018th meeting of the Ministers' Deputies.



- iv. Finally, the Committee of Ministers will consider the issue of co-operation between the Council of Europe and the European Union concerning the rights of persons belonging to national minorities (see paragraph 10 of the attached comments) in the context of the implementation of the Memorandum of Understanding between the two organisations.

Appendix

Comments of the CDDH on Parliamentary Assembly Recommendation 1735 (2006) on the concept of “nation”, including the question of support of national minorities by the kin state (as adopted by the CDDH at its 65th meeting, 6-9 November 2007)

1. The Steering Committee for Human Rights (CDDH) commends the significant role of the Parliamentary Assembly on the furthering of the protection of national minorities in Europe and welcomes the Assembly's [Recommendation 1735 \(2006\)](#) on the concept of “nation” as a continuation of these efforts.
2. The CDDH endorses the remark made by its Committee of Experts on Issues relating to the Protection of National Minorities (DH-MIN) on the fact that the term “nation” has a different meaning in different contexts, and that in these circumstances it is not possible to arrive at a common definition. Such a definition is not necessary for the effective implementation of Council of Europe standards pertaining to national minorities, notably the Framework Convention for the Protection of National Minorities.
3. The CDDH underlines the importance of the Framework Convention, as well as of the European Charter for Regional or Minority Languages and the European Charter of Local Self-Government. Recalling that the DH-MIN regularly discusses the state of signatures and ratifications of these instruments, the CDDH welcomes the fact that the number of states parties to the Framework Convention has increased to 39 and the number of parties to the European Charter for Regional or Minority Languages has increased to 22.
4. The CDDH recalls that the protection of national minorities forms an integral part of the international protection of human rights and that it is also advanced by ensuring full respect for the principle of non-discrimination (Article 14 and Protocol No. 12 of the European Convention on Human Rights (ECHR)) as interpreted by the European Court of Human Rights. In this context, it recalls the important work carried out by the European Commission against Racism and Intolerance (ECRI), which monitors the application of the principle of non-discrimination in all member states.
5. As regards the Parliamentary Assembly's request that the Committee of Ministers invite member states to promote the recognition of the cultural rights of minorities in their national legislation, the CDDH recalls that, in the context of the monitoring processes of the Framework Convention and the European Charter for Regional or Minority Languages, the Committee of Ministers regularly adopts recommendations for individual states parties on the promotion of minority cultures and languages. In this respect, due account is taken of the relevant recommendations issued by the Congress of Local and Regional Authorities of the Council of Europe.
6. The CDDH endorses the affirmation that the “promotion of ethnic purity” has no place in a democratic society, where diversity is an important and widespread feature. It firmly condemns all demonstrations of, and incitement to, hatred and tensions between different populations.
7. It recalls its work on human rights in a multicultural society, in which it notably broached the problem of “hate speech”.² It also notes that, even though efforts to protect and promote the rights of persons belonging to national minorities need to be maintained and developed, it must be ensured that efforts also need to be made to facilitate contacts between all persons, irrespective of their ethnic, cultural, linguistic or religious identity, in accordance with Article 6 of the Framework Convention³ and Article 7, paragraph 3, of the European Charter for Regional or Minority Languages.⁴
8. As regards the Parliamentary Assembly's recommendation on ensuring that national constitutions facilitate integration of citizens within a civic and multicultural entity, the CDDH stresses that, although constitutional traditions and contexts differ, all member states are committed to the inclusion of all their citizens in decision-making processes and to the development of an inclusive and cohesive society, with full respect to the principle of non-discrimination. It recalls that the DH-MIN proceeds to exchanges of experiences on various means to achieve these goals.

2. Report on “hate speech” (24 January 2007, GT-DH-DEV A(2006)008) and DH-DEV activity report (13 April 2007, CDDH(2007)011 Addendum II).

3. This idea emerges from the conclusions of the follow-up to the Framework Convention by the Committee of Ministers.

4. The parties undertake to promote mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and encouragement of the mass media to pursue the same objective.

9. As concerns the Assembly's recommendation that the Committee of Ministers draws up guidelines on procedures for developing such relations between a state and kin minorities residing in a different state, including in neighbouring states, the CDDH recalls that, according to Article 18 of the Framework Convention, the parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with these states in order to ensure an appropriate protection. The CDDH considers in any case that, before taking any decision concerning the elaboration of guidelines, it would be very useful to ask the DH-MIN to analyse the added value of work currently carried out in this field, notably by the Venice Commission,⁵ the Advisory Committee on the Framework Convention, the Expert Committee of the European Charter for Regional or Minority Languages and the OSCE High Commissioner on National Minorities.

10. Finally, the CDDH draws attention to a range of valuable ideas contained in the report by Mr Jean-Claude Juncker (April 2006). This text recognises the necessity of developing further cooperation between the Council of Europe and the European Union concerning the rights of persons belonging to national minorities and underlines the very particular expertise of the Council of Europe in this area.⁶ The CDDH hopes that the Committee of Ministers, in the context of its follow-up to the Juncker report, will grant the necessary scope for this co-operation.

5. See its very useful report on the preferential treatment of national minorities by their kin state (2001).

6. In particular, the report mentions the assessment of implementation in practice of the Framework Convention as one of the benchmarks for co-operation between the Council of Europe and the European Union.